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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ALICIA HERNANDEZ, *et al.*,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

No. 3:18-cv-07354 WHA

**DEFENDANT'S NOTICE OF PENDENCY OF
OTHER ACTIONS OR PROCEEDINGS**

Judge: Hon. William H. Alsup

Pursuant to Civ. L.R. 3-13, Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) hereby gives notice of the following actions that involve “all or a material part of the same subject matter and all or substantially all of the same parties” as the instant case. Wells Fargo submits this Notice without waiving any applicable defenses.

On January 15, 2020, a complaint was filed in federal court against Wells Fargo in the United States District Court for the Northern District of Georgia, captioned *Rochelle V. Thomas v. Wells Fargo Bank, N.A.*, Civ. No. 1:20-cv-00229-SDG-RGV (N.D. Ga.) (“*Thomas*”). The *Thomas* action is premised on the same alleged facts regarding the calculation error and Wells Fargo’s denial of a loan modification as in the instant action. Specifically, the *Thomas* plaintiff asserts four causes of action against Wells Fargo, namely: 1) Breach of Contract; 2) Intentional Infliction of Emotional Distress; 3) Wrongful Foreclosure; and 4) Fraudulent Concealment. The plaintiff alleges, among other things, that Wells Fargo “repeatedly failed to test and audit its automated mortgage loan modification underwriting tool,” and that it “wrongfully failed to approve hundreds of borrowers for loss mitigation options including loan modifications and repayment plans.” Compl. ¶¶ 55-56, 92. The plaintiff alleges that Wells Fargo “wrongfully denied [Plaintiff] mortgage assistance due to applying the incorrect eligibility requirements to the loan.” *Id.* ¶ 59. Plaintiff also alleges that Wells Fargo foreclosed on her home “without first giving [Plaintiff] notice that she could cure her default” or “without first offering [Plaintiff] a trial loan modification.” *Id.* ¶ 105. The plaintiff alleges that she suffered “significant stress and anxiety,” injury to credit, “opportunity costs and lost her home, as well as the equity, appreciation, and associated tax benefit.” *Id.* ¶ 72. The plaintiff further alleges that she “wrongfully lost the opportunity to receive HAMP incentive payments and other methods of curing her default,” and “suffered damages related to the loss of time and money spent in an effort to avoid foreclosure, loss of time and money put in to her home, loss of time and money to find new housing and mover her family[,] loss of favorable interest rates or other favorable loan terms, and emotional distress.” *Id.* ¶ 72; *see also id.* ¶¶ 85, 88, 90, 96-97, 106, 117. The plaintiff also seeks compensatory and putative damages. *Id.* ¶ 107.

On January 17, 2020, a complaint was filed against Wells Fargo in the Civil Division of the Superior Court of the District of Columbia in an individual action styled *Rachel A. Curran v. Wells*

1 *Fargo Bank, N.A.*, No. 2020 CA 000384 B (D.C. Super. Ct.) (“*Curran*”). The *Curran* action is
 2 premised on the same alleged facts regarding the calculation error and Wells Fargo’s denial of a loan
 3 modification as in the instant action. Specifically, the plaintiff in *Curran* asserts three causes of action
 4 against Wells Fargo, namely: 1) Negligence; 2) Violation of D.C.’s Unfair or Deceptive Trade Practice
 5 Act, D.C. Code § 23-3904; and a derivate cause of action for 3) Negligence Per Se. The plaintiff
 6 alleges, among other things, that Wells Fargo “used an internal software program and protocols that
 7 were flawed,” “did not conduct sufficient testing to determine whether its internal software program
 8 was correctly calculating whether a borrower was entitled to a HAMP mortgage modification,” and
 9 that it “denied or failed to offer a mortgage modification to Plaintiff who met all the objective
 10 requirements to receive a permanent HAMP mortgage modification.” Compl. ¶¶ 41, 44, 39; *see also*
 11 *id.* ¶¶ 53, 13. The plaintiff alleges that she suffered “the otherwise avoidable loss of home; increased
 12 fees and other costs to avoid or attempt to avoid foreclosure; loss of equity in home; loss of
 13 opportunities to pursue other refinancing or loss mitigation strategies; increased costs associated with
 14 lower credit scores; and significant stress causing emotional distress.” *Id.* ¶¶ 49, 59; *see also id.* ¶ 54.
 15 The plaintiff further alleges that she is entitled to relief, including “restitution [] and permanent
 16 injunction enjoining [Wells Fargo] from its unlawful, fraudulent, and unfair practices.” *Id.* ¶ 55.

17 With respect to *Thomas*, the related actions do involve some common questions of fact among
 18 actions pending in different districts; however, and as set forth in Defendant’s Response to Plaintiffs
 19 Petition to Transfer and Consolidate in *In Re: Wells Fargo Mortgage Modification Litigation*, MDL
 20 No. 2932, Dkt. 15, Defendant does not believe consolidation is appropriate at this time. L.R. 3-13
 21 (b)(3)(B). With respect to *Curran*, coordination to the extent available would help avoid conflicts,
 22 conserve resources and promote efficient determinations of the actions. L.R. 3-13 (b)(3)(C).

23
 24 Dated: February 7, 2020

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25 By: /s/ Amanda L. Groves

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